

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

100% OF MARK EDWARD PHILLIPS'
INTEREST IN QUINN'S PUB,

Defendant in rem.

CASE NO. C13-641RAJ

ORDER

Claimant Mark Edward Phillips has filed a second motion for appointment of counsel; the Government has not responded. The Government has moved for a stay of this proceeding pending further developments in a related criminal proceeding; Mr. Phillips has not responded. For the reasons stated below, the court GRANTS the motion to stay (Dkt. # 13) and directs the clerk to TERMINATE Mr. Phillips' motion for appointment of counsel (Dkt. # 12), without prejudice to renewing it in accordance with this order. The clerk shall STAY this action until further order of the court. The Government shall file a joint status report no later than April 30, 2014, or the court will dismiss this action without prejudice.

The asset at issue in this civil forfeiture action is Mr. Phillip's interest in a Seattle pub. In the criminal case, the Honorable John C. Coughenour recently granted the Government's motion for a preliminary order of forfeiture, identifying the same asset as

1 one to be forfeited to satisfy a \$100,000 money judgment against Mr. Phillips in that
2 case. *See United States v. Phillips*, No. CR10-269JCC (Dkt. # 238) (Dec. 20, 2013 order
3 granting motion for forfeiture). The Government also notes that Mr. Phillips is
4 represented by counsel in the criminal case.

5 The Government requests that the court stay this case for six months. The court
6 will stay the case until further order of the court. On or before April 30, 2014, the
7 Government is responsible for meeting and conferring with Mr. Phillips and filing a joint
8 status report in which the Government establishes that it has pursued the criminal
9 forfeiture to its conclusion, or that it has worked diligently to do so, and in which the
10 parties state their positions on what, if any, proceedings are necessary in this case. If the
11 Government does not file a statement by that deadline, the court will dismiss this case
12 without prejudice.

13 Should the court lift the stay in this matter, Mr. Phillips may renew his motion for
14 appointment of counsel.

15 DATED this 6th day of January, 2014.

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19 The Honorable Richard A. Jones
20 United States District Court Judge
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